HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.179 of 2006
Date of decision : 26.3.2007

Jai Parkash .....Petitioner

versus

Smt.Santosh and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Akshay Kumar Goel, Advocate for the petitioner
Mr.Rajinder Goel, Advocate for the respondents.

* * *

ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 17.11.2005 passed by the learned Executing Court to the effect that the petitioner is bound to make the payment of interim maintenance from the date of filing of the application.

In a suit for maintenance under Section 19 of the Hindu Adoptions and Maintenance Act, 1956, the plaintiff-respondent filed an application for grant of ad interim maintenance. The learned trial Court vide order dated 5.9.2002 awarded Rs.1500/- per month as maintenance. Subsequently, the suit was decreed on 11.10.2003 and a sum of Rs.750/- per month each was awarded as maintenance to plaintiff Nos.1 & 2.

In execution, a question was raised by the petitioner that the ad interim maintenance amount is payable from the date of order i.e. 5.9.2002 and not from the filing of the application for such ad interim maintenance. The learned Executing Court held that the amount of ad interim maintenance is payable from the date of filing of the application.

Since the learned trial Court while granting ad interim maintenance has not fixed the date from which the amount of maintenance is payable, the same shall be payable from the date of filing of the application as the right to claim is required to be determined when such claim was raised.

Therefore, I do not find any illegality or irregularity in the order passed by the learned Executing Court which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 26, 2007
**mohinder*